UNITED STATES PATENT AND TRADEMARK OFFICE

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09/702,289	10/30/2000	Eva Chen	TRNDP004	1429

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EXAMINER
KHOSHNOODI, NADIA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2007</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 October 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 1 & 12, previously

presented claims 2-11 & 13-26 filed 6/26/2007 have been fully considered and therefore the

claims are rejected under new grounds. The Examiner would like to point out that this action is

made final (See MPEP 706.07a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

As per claims 1 and 12:

Regarding claims 1 and 12, the phrase "some or all" renders the claim indefinite because

it is unclear what the term "some" encompasses and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention.

As per claims 2-11 and 13-26:

These claims are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

I.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

II.   Claims 1-7, 9, 11-18, 20, and 22-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bates et al., United States Patent No. 6,785,732 and further in view of Hill et

al., United States Patent No. 6,088,804.

As per claims 1 and 12:

Bates et al. substantially teach a system/method comprising: a plurality of client users

having potentially infected client end-user computers, said end-user computers being distributed

over said distributed computer network (col. 3, lines 41-50); a first anti-virus scanning server

executing from a first vendor and a second antivirus scanning server executing software from a

second vendor, each accessible via the distributed computer network, said first anti-virus

scanning server and said second anti-virus scanning server each including an anti-virus scanning

program, whereby the client users contact the first scanning server or the second scanning server

to facilitate virus scanning of the client end-user computers by downloading said anti-virus

scanning program (col. 8, line 45 – col. 9, line 11 and Fig. 6); a scan log which is sent back to at

least one of the first anti-virus scanning server and the second anti-virus scanning server over

said distributed computer network from each client user detailing all results of the virus scanning

on each client end-user computer by said antivirus scanning program (col. 8, lines 11-15); a

virus-tracking server for receiving the scan log information from said client end-user computers

via the first anti-virus scanning server from the first vendor and the second anti-virus scanning

server from the second vendor (col. 6, lines 4-20 and col. 9, lines 47-60); a database server

associated with the virus-checking server for processing the scan log information into virus-

tracking information (col. 6, lines 4-20 and col. 9, lines 47-60); and a tracking user from the

virus tracking server (col. 11, lines 39-67).

Not explicitly disclosed is wherein the scan log information is received by the virus-

tracking server in real time and at least one virus-tracking display mode accessible by a tracking

user, the display mode providing real-time updates of said virus-tracking information pertaining

to the scan logs, wherein the anti-virus scanning program residing at the client end-user

computers generates one or more maps displaying the real-time updates, and wherein the one or

more maps are generated and displayed at the client end-user computers. However, Hill et al.

teach displaying in real-time, to an administrator of some type, graphs of virus detection

incidents in various geographical sub-regions in order to keep track of potential viruses that may

spread and damage other systems if no action is taken (col. 3, lines 36-41). Hill et al. further

teach that each of the agents who provide the information recorded and displayed in the graph

may also view the graph so that they are aware of how quickly and in what sub-regions a

virus/attack is spreading (col. 8, line 59 – col. 9, line 25). Therefore, it would have been obvious

to a person in the art at the time the invention was made to modify the system disclosed in Bates

et al. to have a displaying mechanism that is updated in real-time in order to ensure early

detection of possible viral threats. This modification would have been obvious because a person

having ordinary skill in the art, at the time the invention was made, would have been motivated

to do so since Hill et al. suggest that displaying the possible threats in a manner that allows quick

interpretation of the situation is imperative in minimizing the impact that the virus may have on

the network as a whole in col. 7, lines 3-17 and col. 9, lines 17-19.

As per claims 2 and 13:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Hill et al. teach wherein the tracking user can configure the display modes to show

the virus-tracking information in association with user-selected geographic maps of where the

viruses are occurring (col. 3, lines 36-41).

As per claims 3 and 14:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Hill et al. teach wherein display modes include a plurality of web pages with user

selectable menus to configure the virus-tracking display on the pages (col. 9, lines 20-25).

As per claims 4 and 15:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Bates et al. teach a scan log contains no information relating to the direct

identification of the client user (col. 12, lines 41-45).

As per claims 5 and 16:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Hill et al. teach that the scan log includes the name of the virus, the frequency of its

occurrence, and the geographic location of the infected computer (col. 8, lines 23-35).

As per claims 6 and 17:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Bates et al. teach a servlet program on the virus-tracking server is used to receive

the scan log information from the at least one anti-virus scanning server (col. 8, line 45 – col. 9,

line 11).

As per claims 7 and 18:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Bates et al. teach a polling program is used to regularly retrieve virus-tracking

information from the database server and store it in a data object (col. 12, lines 37-58).

As per claims 9 and 20:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Hill et al. teach a Java applet running on tracking user browser is used to display a

real-time virus-tracing map (col. 6, lines 45-67).

As per claims 11 and 22:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Bates et al. teach the system wherein the distributed computer network includes the

Internet, wherein said scan log from each scanned client computer is sent back over the Internet

to be received by said virus tracking server (col. 8, line 45 – col. 9, line 11). Yet further, Hill et

al. teach wherein said virus tracking display mode is accessible over the Internet by said tracking

user (col. 8, lines 7-16).

As per claims 23 and 25:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Hill et al. teach wherein said virus-tracking information identifies concentrations of

a computer virus at said client end-user computer locations (col. 8, lines 23-35).

As per claims 24 and 26:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12.

Furthermore, Bates et al. teach wherein said scan log information is processed by aggregating

said scan logs from each client end-user computer and then synthesizing said virus tracking

information (col. 6, lines 6-20)

III.   Claims 8, 10, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bates et al., United States Patent No. 6,785,732 and Hill et al., United States Patent No.

6,088,804 as applied to claims 1, 7, 12, and 18 above, and further in view of Trcka et al., United

States Patent No. 6,453,345

As per claims 8 and 19:

Bates et al. and Hill et al. substantially teach the system/method of claims 7 and 18. Not

explicitly disclosed is a common gateway interface program used to retrieve the data object for

display by the tracking user. Trcka et al. teach traffic capture components, which run

continuously in the background, to passively generate a data stream that represents the traffic

present on the network (col. 10, lines 60-66). It would have been obvious to a person having

ordinary skill in the art at the time of the invention was made to modify Bates et al.'s

collaborative server by reporting and logging information about viruses tracking for the client

user in order that the client may utilize the information to deploy anti-virus programs.

As per claims 10 and 21:

Bates et al. and Hill et al. substantially teach the system/method of claims 1 and 12. Not

explicitly disclosed is wherein the client user is also the tracking user. Trcka et al. teach from the

screens, the user can specify such parameters as start time/date, end time/date, the types of events

of interest. The user can specify search criteria and specific fields to be searched and can specify

an output type of the display screen, the printer, or the file (col. 20, lines 5-12). It would have

been obvious to a person having ordinary skill in the art at the time of the invention was made to

modify Bates et al.'s collaborative server by allowing the client user to also be the user, thus

allowing individuals to set-up web sights and protect their computer from viruses by use of the

allowed operations.

References Cited, Not Used

The prior art, US Patent No. 6,721,721, made of record and not relied upon is considered

pertinent to applicant's disclosure. US Patent No. 6,721,721 has been cited because it is relevant

to the displaying/virus tracking portions of the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Nadia Khoshnoodi
Examiner
Art Unit 2137
9/1/2007

NK

CYNTHIA BRITT
PRIMARY EXAMINER